

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ATHEAL PIERCE,

Debtor/Appellant,

CASE ON APPEAL

05-1014-T

CHAPTER 13 CASE NO.

05-31205-DHW-13

**Pierce's Objection and Response to the
Motion to Dismiss Appeal filed by Trustee**

Pierce contends that the honorable U.S. District Judge should refuse to entertain the motion of Sabrina McKinney, at this time, for the following reasons:

- 1.** Her motion to dismiss is still pending in the U.S. Bankruptcy Court.
2. Her motion to this court is prematurely filed.

Wherefore, Pierce questions the practice of filing identical pleadings in the U.S. Bankruptcy Court and now in the U.S. District Court. Such is due to be denied, and I do hereby object.

Pierce contends that the honorable U.S. District Judge should deny the motion of Sabrina McKinney (Trustee's motion to dismiss appeal) for the following reasons:


1. The motion is not supported by the stamped record and the Clerk's office of the U.S. Bankruptcy Court. Pierce is going forward and hopes to be successful at the appellate level.
- 2.*** Mr. Curtis C. Reding sent to Pierce a Final Report for which he stated that he was relieved of his trust.
3. Mr. Curtis C. Reding would need to ask the Court to reinstate him if he finds a need to participate in this appellate proceeding. His jurisdiction expired September 28, 2005.

Wherefore, Pierce will continue to pursue the appeal because the appeal has merit and due to be reviewed and decided on its merit pursuant to the federal laws. The motion

to dismiss is not filed in good faith and due to be denied because it does not carry the language of the Clerk's office. Pierce's method of filing and delivery of pleadings and other filings have been with the federal court delivery process. See U.S. 11th Circuit Rules.

Respectfully submitted this 7th day of November 2005.

BY: AP


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Certificate of service

I have mailed a copy of this pleading upon the following listed parties by placing a copy of same in the U.S. Mail, postage pre-paid and properly addressed this _____ day of November.

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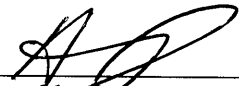
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all other listed interested parties

** See "final report submitted by Mr. Curtis C. Reding attached hereto as filed in the U.S. Bankruptcy Court 9/28/05 and ***See the "motion to dismiss appeal" filed in the U.S. Bankruptcy Court 10/20/05.